UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA and STATE OF INDIANA *ex rel*. JUDITH ROBINSON,	)	
Plaintiffs/Relator,	)	
v.	)	Case No. 1:13-cv-2009-TWP-MJD
INDIANA UNIVERSITY HEALTH, INC. f/k/a CLARIAN HEALTH PARTNERS, INC., and HEALTHNET, INC.,	)	
Defendants.	)	

UNITED STATES' UNOPPOSED MOTION TO
INTERVENE FOR PURPOSES OF SETTLEMENT

Pursuant to the False Claims Act ("FCA"), 31 U.S.C. § 3730(c)(3), the United States files this motion for leave to partially intervene in the above-captioned *qui tam* action for purposes of settlement. The United States requests leave to intervene only as to Relator's claim that Indiana University Health, Inc. ("IU Health") and HealthNet, Inc. ("HealthNet") violated the FCA based on underlying violations of the Anti-Kickback Statute ("AKS"), 42 U.S.C. § 1320a-7b(b). The United States seeks to intervene for purposes of entering into a settlement agreement that has been reached among the United States, the State of Indiana, IU Health, HealthNet, and Relator Judith Robinson. Defendants and Relator have advised through counsel that they do not oppose this motion.

The FCA's *qui tam* provisions provide that where, as here, the United States does not initially elect to proceed with an action, "the court, without limiting the status and rights of the [Relator], may nevertheless permit the Government to intervene at a later date upon a showing of good cause." 31 U.S.C. § 3730(c)(3). There is good cause here to permit the Government to intervene for purposes of settlement. Since the Government notified the Court on February 27, 2015, that it was unable to make an intervention decision by the Court's deadline, the United States continued to actively investigate Relator's allegations, and the Government has also actively participated in settlement discussions in this matter. The Government now believes that it is in the public interest for the United States to intervene as to the Relator's claim based on AKS violations, for purposes of entering into the settlement agreement that has been reached by the parties to resolve this matter.

Neither Relator, IU Health, nor HealthNet would be prejudiced by the United States' intervention. Because the United States seeks to intervene for purposes of settlement, there would be no undue delay or other prejudice to the proceedings resulting from the Government's intervention at this time. Additionally, the United States has agreed to pay Relator, and Relator has agreed to accept, a 27.5% share of the United States' recovery, pursuant to 31 U.S.C. § 3730(d)(2). Moreover, Defendants and Relator do not oppose the Government's intervention for settlement purposes.

For the foregoing reasons, the United States respectfully requests that the Court permit the Government to intervene for purposes of settlement as to Relator's claim concerning Defendants' alleged violations of the Anti-Kickback Statute. Additionally, the United States notifies the Court of its decision to decline to intervene as to Relator's allegations relating to the submission of claims for services involving high-risk pregnancies that were provided by certified nurse midwives rather than physicians.[1]

[1] The Government has not made an intervention decision as to Relator's remaining allegation that HealthNet violated the FCA by submitting false claims for certain supplemental payments made by the Medicaid program to Federally Qualified Health Centers, known as "wrap around" payments.

On the assumption that the United States' motion will be granted, the parties are concurrently filing, pursuant to the settlement agreement, a joint motion to dismiss this action.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on this 27 day of April, 2017, and is available to all parties of record through the Court's electronic filing system.

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